

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1195 of 2004 (M/B)

Kapoor Chand s/o Sri Seva Ram,
R/o Village Bhajanpur,
Banbasa, Distt.Champawat Petitioner

Vs.

1. Union of India through Secretary,
Ministry of Railways, New Delhi.
2. Assistant Railway Manager,
Izzatnagar, Bareilly, U.P.
3. Divisional Railway Manager,
North-Eastern Railway,
Gorakhpur, U.P.
4. State of Uttaranchal through Secretary,
Ministry of Revenue Department,
Uttaranchal, Dehradun. Respondents.

Mr. Sudhir Singh, Advocate i/b Mr. D.S.Patni, learned counsel for the petitioner.
Mr. K.P.Upadhyaya, learned counsel for the State.
Mr. Sayed Nadim, learned counsel for the respondent nos. 1 to 3.

Coram: Hon. V.S.Sirpurkar, C.J.
Hon. Rajesh Tandon J.

Dated: 07.12.2004

[Per Hon. the Chief Justice)

1. Heard learned counsel for the parties.
2. The petitioner is afraid of his being ousted by the Railways. According to the petitioner, since the Railways had taken extreme action of demolition of some shops, he is also apprehensive. The petitioner claims to be a lessee of the State Government and he is apprehensive of the action against him.
3. We do not see as to why the petitioner should be apprehensive of action against him on the part of the Railways because as per the learned standing counsel for the Railways, they had only demolished shops, which were admittedly railway property and for which rent was being paid by the shop owners, and ultimately when the shop owner stopped paying the rent, Railways took extreme action of demolition of shop. Learned counsel for the Railways assure that whatever action is to be

taken for any encroachers on railway property, that will be taken according to the law. As such, we do not see any reason for the apprehension of the petitioner if he is not on railway property and is a lessee of the State Government only. There will be no reason to entertain this writ petition particularly because of the statement made by the counsel for Railways.

(V.S.Sirpurkar, C.J.)

(Rajesh Tandon, J.)